

RECEIVED
CENTRAL FAX CENTER

JUN 30 2005

Page 1 of 2

Application Number: 09/774,147
Dated 6/30/2005
Request for clarification of response filing date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 09/774,147

Applicant: James Martin Billings

Filed: 01/30/2001

Group Art Unit: 3624

Examiner: Dr. Narayanswamy Subramanian

For: A METHOD AND SYSTEM FOR PROVIDING DOWNSIDE PROTECTION OF
STOCK MARKET INVESTMENTS

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please consider the following remarks:

Introductory Comments:

On the evening of June 24, 2005, I attempted to fax applicant's response to the USPTO general fax number 703-872-9306 beginning at approximately 10:35 PM [Central Daylight Time]. After six attempts, on the seventh attempt I was able to get USPTO confirmation of the receipt of the 27 pages. This occurred at 6/25/2005 12:35:52 AM [Eastern Daylight Time]. However, in Lebanon, Tennessee, I am on Central Daylight Time. Therefore, the facsimile transmission was completed at 6/24/2005 11:35:52 PM in Lebanon, Tennessee, the location of the transmission. The PTO/SB/97 form was used as a cover page and the Certificate of Transmission on that form was signed and dated 24 June 2005 and listed the documents and number of pages being transmitted. The PTO/SB/21 Transmittal Form was also transmitted, signed and dated 24 June 2005 and listed the documents and number of pages being transmitted. In addition, the last page of the response contained a type Certificate of Facsimile Transmission that was signed and dated 24 June 2005.

Application Number: 09/774,147
Dated 6/30/2005
Request for clarification of response filing date

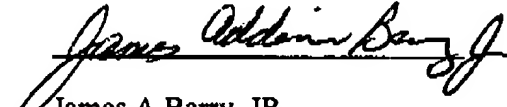
Page 2 of 2

Remarks:

MPEP 502.01 Correspondence Transmitted by Facsimile [R-2] depicts an example similar to the facts just presented. After the example, the manual states that if the Certificate of Transmission is available, then the above facsimile may be considered timely filed if it contains a certificate of transmission and is in compliance with 37 CFR 1.8(a)(1)(i)(B) and (ii).

The Applicant believes the Office Action response dated June 24, 2005 will be accorded a response filing date of June 24, 2005. In the event the undersigned is mistaken, Applicant requests that Examiner call the undersigned at the phone number below, or contact Applicant via email or letter so that applicant may file the necessary paperwork and fees for extension.

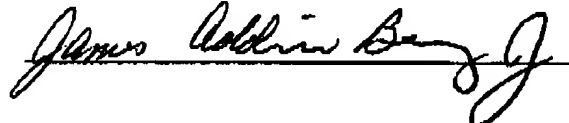
Respectfully submitted,



James A Barry, JR
Registration No. 44,524
Customer No. 53857

Law Office of James Addison Barry, JR
105 Glenway Point
Lebanon, TN 37087
615.444.3568 phone
615.429.0810 cell
j@jbarrylaw.com

Certificate of Facsimile Transmission: I certify that on the date below I will fax this paper to GAU 3624 of the U.S. Patent and Trademark Office at 703-872-9306.

2005 June 30

RECEIVED
CENTRAL FAX CENTER

JUN 30 2005

PTO/SB/97 (09-04)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

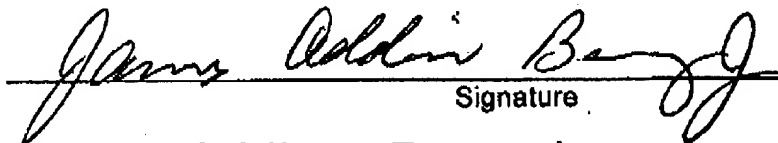
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on 30 June 2005

Date



Signature

James Addison Barry, Jr

Typed or printed name of person signing Certificate

44,524

Registration Number, if applicable

(615) 444-3568

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper. (US Patent Application Number 09/774,147)

Transmittal Form PTO/SB/21 1 page

Request for Clarification of Response Filing Date: 2 pages

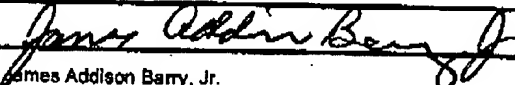
This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

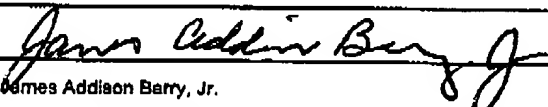
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/21 (09-04)
Approved for use through 07/31/2006. OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

| | | |
|---|------------------------|--------------------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 09/774,147 |
| | Filing Date | 01/30/01 |
| | First Named Inventor | James Martin Billings |
| | Art Unit | 3824 |
| | Examiner Name | Narayanswamy Subramanian |
| | Attorney Docket Number | SSL |
| Total Number of Pages in This Submission | | 4 |

| ENCLOSURES (Check all that apply) | | |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to TC |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Reply to Missing Parts/Incomplete Application | <input type="checkbox"/> Landscape Table on CD | |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | | |
| Remarks Request to clarify filing date of Office Action Response of 24 June 2005: 2 Pages | | |
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | |
| Firm Name | James Addison Barry, Jr. | |
| Signature |  | |
| Printed name | James Addison Barry, Jr. | |
| Date | 30 June 2005 | Reg. No. 44,524 |

| CERTIFICATE OF TRANSMISSION/MAILING | |
|---|---|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: | |
| Signature |  |
| Typed or printed name | James Addison Barry, Jr. |
| Date | 30 June 2005 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.